



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on 9/27/2006.

Joseph Weathered
Joseph Weathered

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Gregory PISKUN
SERIAL NO. : 10/668,542
FILED : 09/23/2003
FOR : Laparoscopic Instrument and Trocar System and Related Surgical Method
GROUP ART UNIT : 3739
EXAMINER : Matthew John Kasztejna

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration Under 37 C.F.R. § 1.131

S I R:

I, Gregory Piskun, being duly sworn on oath, depose and say as follows:

1. I am applicant and inventor in the above-identified application.
2. I am also the applicant and inventor in U.S. Patent No. 6,454,783, which issued September 24, 2002 on Application No. 09/397,630 filed September 15, 1999 ("the '783 patent"). A copy of the '783 patent is appended hereto as Exhibit A.

3. I make this declaration in support of a concurrently filed
Amendment/Response to Office Action filed in response to the Office Action
dated June 14, 2006.
4. Of applicant's pending claims 17-37 and 40, the Examiner has rejected claims
17-25, 28-31, 33-35, and 40 under 35 U.S.C. § 102(e) as being anticipated by
U.S. Patent No. 6,551,270 to Bimbo et al. In addition, the Examiner has
rejected claims 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over
Bimbo et al. in view of U.S. Patent No. 5,803,921 to Bonadio and claims 36
and 37 as being unpatentable over Bimbo et al. in view of U.S. Patent No.
5,540,648 to Yoon.
5. I hereby swear behind Bimbo et al., at least with respect to claims 17-25, 28,
33, and 34.
6. My prior '783 patent (filed September 15, 1999) is conclusive evidence that I
constructively reduced the claimed invention to practice prior to the effective
filing date (August 30, 2000) of Bimbo et al. It is to be noted in this regarding
that Figures 1-8 of the present application are identical to the correspondingly
number figures of the '783 patent. Pending claims 17-25, 28, 33, and 34
describe subject matter found in the '783 patent.
7. I hereby declare that all statements made herein of my own knowledge are
true and that all statements made on information and belief are believed to be
true; and further that these statements were made with the knowledge that
willful false statements and the like so made are punishable by fine or
imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: G. Piskun

Name: Gregory Piskun

Dated: 09/27/06